

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DAVID E. GREENE,	:	
Plaintiff,	:	Case No. 3:07CV034
vs.	:	District Judge Thomas M. Rose
	:	Magistrate Judge Sharon L. Ovington
XENIA POLICE DEPARTMENT,	:	
et al.	:	
Defendants.	:	

ORDER

The Court has reviewed *de novo* the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #24), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts said Report and Recommendations. It is therefore **ORDERED** that:

1. The Report and Recommendations filed on November 29, 2007 (Doc. #24) is **ADOPTED**;
2. Defendants Motion to Dismiss Plaintiff's Complaint Under Fed. R. Civ. P. 37(d) and 41(b) (Doc. #18) is **GRANTED**;
3. Plaintiff is ordered to pay \$1,801.18 as costs resulting from his failure to appear for his deposition; and,
4. This case is terminated on the docket of this Court.

December 18, 2007

s/**THOMAS M. ROSE**

Thomas M. Rose
United States District Judge